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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

JEROME RICKY BENNETT, JR.,

Defendant and Appellant.

E051481

(Super.Ct.No. RIF10005482)

O P I N I O N

APPEAL from the Superior Court of Riverside County. Harry A. Staley, Judge.  
(Retired judge of the Kern Super. Ct. assigned by the Chief Justice pursuant to art. VI,  
§ 6 of the Cal. Const.) Affirmed.

Cindi B. Mishkin, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance by Plaintiff and Respondent.

Defendant and appellant Jerome Ricky Bennett, Jr., was charged with burglary  
(Pen. Code, § 459, counts 1 & 2), receipt of stolen property (Pen. Code, § 496, subd. (a),

count 3), and being a felon in possession of a firearm (Pen. Code, § 12021, subd. (a)(1), count 4). It was also alleged that he had one prior strike conviction. (Pen. Code, §§ 667, subds. (c), (e)(1), 1170.12, subd. (c)(1).) Pursuant to a plea agreement, defendant pled guilty to count 1 and admitted the prior strike conviction. In exchange, the trial court dismissed the remaining counts and sentenced him to four years in state prison, as agreed upon, and awarded 60 days of presentence custody credits (53 actual & seven conduct credits).

Defendant filed a notice of appeal, indicating he wished to challenge the sentence or other matters occurring after the plea, as well as the validity of his guilty plea. He filed a request for certificate of probable cause, which the trial court denied. Defendant subsequently filed a motion with the trial court to correct the number of presentence custody credits awarded. The court changed the amount of custody credits awarded to 79 days (53 actual & 26 conduct credits). We affirm.

### PROCEDURAL BACKGROUND

Defendant was charged with and admitted that, on or about May 8, 2010, he willfully and unlawfully entered a dwelling house with the intent to commit theft, a felony, therein. (Pen. Code, § 459.)

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of

the case and three potential arguable issues: 1) whether defendant's plea is constitutionally valid; 2) whether the trial court complied with its duty under Penal Code section 1192.5 to establish a sufficient factual basis for the plea; and 3) whether the court abused its discretion in denying probation and ordering defendant to serve a prison sentence. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

#### DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
J.

We concur:

RAMIREZ  
P.J.

CODRINGTON  
J.